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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/774,886

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Solomon I. David

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7590

04/26/2005

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EXAMINER

LE, THANH TAM T

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/774,886

Applicant(s)

DAVID ET AL.

Examiner

Thanh-Tam T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/9/04; 4/23/04, 12/13/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 37-49 are objected to because of the following informalities:

Claim 37, line 3 and claim 49, line 3, "jacks" lacks an antecedent basis;

Claim 37, line 5 and claim 49, line 5, "each end of the cable" should be changed -- the each end of the cable --; "jackets" lacks an antecedent basis;

Claim 37, line 6, "contacts" lacks an antecedent basis;

Claim 37, line 8 and claim 49, line 8, "sockets" lacks an antecedent basis;

Claim 44, line 3, "an electrical contact" and "a conductor" should be changed to -- the electrical contact -- and -- the conductor --;

Claim 45, line 2, "a corresponding socket contact" should be changed to -- the corresponding socket contact --;

Claim 45, line 3, "a corresponding socket of a data port" should be changed to -- the corresponding socket of the data port --;

Claim 49, can't have two claims with the same number.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 37-38, 40, 42-46 and 48 are rejected under 35 U.S.C. 102(B) as being anticipated by Czosnowski et al. (5,764,043).

Regarding claims 37 and 44-45, Czosnowski et al., figures 1 and 8-11, disclose a data transmission cable (32) adapted for use in a system for determining a connection pattern of data ports, the data transmission cable comprising:

- a pair of jacks (116) at each end of the cable, respectively, each of the jacks adapted to mate with a corresponding socket (38) of a data port;
- a pair of adapter jackets (118) at the each end of the cable, each of the adapter jackets comprising an electrical contact (122) external to the data transmission cable, the electrical contact adapted to make electrical contact with a corresponding socket contact (82) when the jacks are mated with sockets; and
- a conductor (110) extending between, and electrically connected to each of the adapter jacket contacts.

Regarding claim 38, the adapter jackets re separate from the cable and are constructed to be retrofit over an existing data transmission cable.

Regarding claim 40, the conductor is a copper wire.

Regarding claims 42 and 48, the data transmission cable is a conventional multiconductor cable having a plurality of conductors therein.

Regarding claim 43, each of the jacks is selected from SC jacks.

Regarding claim 46, the electrical contact comprising a movable contact pi slidably engaged within the adapter jacket.

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4. Claims 37, 39, 41, 47 and 49-50 are rejected under 35 U.S.C. 102(B) as being anticipated by Kennedy et al. (5,695,365)

Regarding claims 37, 39, 41, 47 and 49-50, Kennedy et al., figures 2-5, disclose a data transmission cable (30) adapted for use in a system for determining a connection pattern of data ports, the data transmission cable comprising:

- a pair of jacks (32) at each end of the cable, respectively, each of the jacks adapted to mate with a corresponding socket (16) of a data port;
- a pair of adapter jackets (40) at the each end of the cable, each of the adapter jackets comprising an electrical contact (110) external to the data transmission cable, the electrical contact adapted to make electrical contact with a corresponding socket contact when the jacks are mated with sockets; wherein the electrical contact comprising a contact pin slidably engaged in a barrel (cavities 48 and 54, figure 4) a spring (56) adapted to fit within the barrel and designed to support the contact pin and provide tension to the contact pin when the contact pin makes electrical contact with the corresponding socket; and
- a conductor extending between, and electrically connected to, each of contact pins.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 37 and 49 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,574,586 and over claim 1 of U.S. Patent No. 6,725,177. Although the conflicting claims are not identical, they are not patentably distinct from each other because a cable of a data port, a socket, a jack a socket contact and an external contact.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL.
04/17/05.



T. Le